

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

January 27, 2006

---

In the Matter of  
City of New Bedford

---

Docket No. 2005-229  
File No. SE49-543  
New Bedford

**RECOMMENDED FINAL DECISION**

The parties filed an Assented to Voluntary Dismissal and Motion to Dismiss for Mootness on January 26, 2006. In it they request that this matter be dismissed as moot, in accordance with the terms of a Settlement Agreement made between the applicant and the petitioner. I recommend dismissal of this matter as a voluntary stipulation of dismissal pursuant to 310 CMR 1.01(11)(d)(1) and 310 CMR 1.01(5)(a)15.f.i.

**NOTICE**

This decision is a recommended final decision of the Presiding Officer. It has been transmitted to the Commissioner for his final decision in this matter. This decision is therefore not a final decision subject to reconsideration under 310 CMR 1.01(14)(e), and may not be appealed to Superior Court pursuant to M.G.L. c. 30A. The Commissioner's final decision is subject to the rights of reconsideration and court appeal and will contain a notice to that effect.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>



Printed on Recycled Paper

Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this recommended final decision or any part of it, and no party shall communicate with the Commissioner's office regarding this decision unless the Commissioner, in his sole discretion directs otherwise.

This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.

---

Ann Lowery  
Presiding Officer

*Adopted by Commissioner Robert W. Golledge, Jr., January 30, 2006.*